

EXHIBIT D

to Plaintiff's Motion for Sanctions

Defendant's Response to Plaintiff HP Tuners, LLC's First Set of Requests for Production

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KENNETH CANNATA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

HP TUNERS, LLC,,

CASE NO. 3:18-cv-00527-LRH-WGC

Plaintiff,

vs.

KENNETH CANNATA,

Defendant.

**DEFENDANT'S RESPONSE TO PLAINTIFF HP TUNERS, LLC'S
FIRST SET OF REQUESTS FOR PRODUCTION**

Defendant Kenneth Cannata ("Cannata" or "Defendant"), by and through his attorneys, KOLESAR & LEATHAM hereby submit his responses to Plaintiff HP Tuners, LLC's ("HPT") First Set of Requests for Production to Defendant pursuant to Rule 34 of the Federal Rules of Civil Procedure, as follows:

**GENERAL OBJECTIONS AND STATEMENTS WITH RESPECT TO
PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENT**

A statement herein that documents will be produced is a representation of Defendant's willingness to produce such documents if they exist and can be located by a reasonable, good faith effort and is not a representation that the documents, in fact, exist. Defendant reserves the right to object to the use of information produced in response to these Requests for any purpose, in this or any other proceeding, action, or matter; to object to the admissibility at trial of any information

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produced in response to these Requests, including without limitation, all objections on the grounds that such information is not relevant to the subject matter involved in the action or to the claims or defenses of any party. Where Defendant agrees to produce certain documents, the documents will be made available for inspection and copying at the offices of Defendant's counsel of record or a location otherwise mutually agreed upon by the parties. Defendant expressly reserves the right to supplement its responses after the date hereof, if necessary or appropriate.

In the interest of economy of time and clarity, Defendant will state at the outset, in separate numbered paragraphs, its objections to the scope of Plaintiff's Requests for Production.

GENERAL OBJECTION 1:

Defendant objects to any definitions and instructions to the extent they are vague, ambiguous, overly broad, and unduly burdensome, exceed the usual and ordinary meaning of the words defined therein and are beyond the permissible scope of discovery as set forth in the applicable Federal Rules of Civil Procedure. Defendant will define the referenced words with their usual and customary meaning and/or in accordance with the applicable Federal Rules of Civil Procedure.

GENERAL OBJECTION 2:

Defendant objects to each request, or portion thereof, in which Plaintiff has asked Defendant to identify "each," "every," "any," or "all" person(s) or document(s) relating to a specific subject matter on the grounds that it would be unduly burdensome for Defendant to review every document in Defendant's possession. Without waiving these objections, and in the interest of minimizing controversy requiring the Court's attention, Defendant will respond to such requests not otherwise objected to with information and/or documents located by a reasonable, good faith effort.

GENERAL OBJECTION 3:

Defendant objects to each request to the extent that it seeks information protected from discovery by the attorney-client privilege and/or the attorney work product, doctrine, or information subject to protection as trial preparation material, or information protected from discovery by any other applicable privileges, or information which is otherwise immune from

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discovery. Defendant will not produce any information or materials protected by the attorney-client privilege, the work product doctrine or other available legal privileges or protections against discovery.

GENERAL OBJECTION 4:

Defendant objects to each request to the extent that it is not limited to a relevant or reasonable period of time or the time period at issue on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and harassing, in that it is neither relevant nor reasonable calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTION 5:

Defendant objects to each request to the extent it calls for information or documents already in the public domain, already in Plaintiff's possession, custody or control, or equally available to Plaintiff.

GENERAL OBJECTION 6:

Defendant objects to each request that seeks information that is either irrelevant to this action or not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, Defendant will respond to such requests to the extent that Plaintiff seek relevant information or information reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTION 7:

Defendant objects to each request, or portion thereof, that is overbroad, unduly burdensome, harassing, unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive.

GENERAL OBJECTION 8:

Defendant objects to each request to the extent it seeks discovery that is inconsistent with or enlarges the scope of discovery under the applicable Federal Rules of Civil Procedure.

Each of Defendant's General Objections is incorporated in each individual response below as if fully stated therein, and each response is made subject to these General Objections.

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RESPONSES TO PLAINTIFF'S REQUESTS FOR PRODUCTION OF DOCUMENTS

Within the limitations set forth above, Defendant responds to Plaintiff's Requests for Production as follows:

REQUEST NO. 1:

All Documents and Communications which evidence, refer or relate to HPT's source code, software, programming, products and/or credits from January 1, 2016 to the present.

RESPONSE TO REQUEST NO. 1:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the terms "HPT's source code, software, programming, products and/or credits," (ii) it is overly broad and lacks specificity as to the documents requested, (iii) it imposes an undue burden on Cannata to search for documents that are not identified in reasonable detail, (iv) it seeks the production of documents already in the possession of HPT or equally available to HPT, (v) it seeks the production of documents that are not relevant to any claim or defense at issue in this action, and (vi) it is an interrogatory intentionally disguised as a request for production in order to avoid the limit on interrogatories under Fed. R. Civ. P. 33. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

REQUEST NO. 2:

All HPT interfaces, source code, designs, schematics, program files, software, firmware or other intellectual property of HPT in your possession, custody or control.

RESPONSE TO REQUEST NO. 2:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the terms "HPT interfaces, source code, designs, schematics, program files, software, firmware or other intellectual property of HPT," (ii) it is overly broad and lacks specificity as to the documents requested, (iii) it imposes an undue burden on Cannata

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to produce documents that are not identified in reasonable detail, (iv) seeks the production of documents already in the possession of HPT or equally available to HPT, (v) seeks the production of documents that are not relevant to any claim or defense at issue in this action, and (vi) it is an interrogatory intentionally disguised as a request for production in order to avoid the limit on interrogatories under Fed. R. Civ. P. 33. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

REQUEST NO. 3:

All firmware and software source code relating to HPT's MPVI in your possession, custody or control.

RESPONSE TO REQUEST NO. 3:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the terms "firmware and software source code relating to HPT's MPVI," (ii) it is overly broad and lacks specificity as to the documents requested, (iii) it imposes an undue burden on Cannata to produce documents that are not identified in reasonable detail, (iv) it seeks the production of documents already in the possession of HPT or equally available to HPT, (v) it seeks the production of documents that are not relevant to any claim or defense at issue in this action, and (vi) it is an interrogatory intentionally disguised as a request for production in order to avoid the limit on interrogatories under Fed. R. Civ. P. 33. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

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REQUEST NO. 4:

All designs and schematics relating to HPT's MPVI in your possession, custody or control.

RESPONSE TO REQUEST NO. 4:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the terms "designs and schematics relating to HPT's MPVI," (ii) it is overly broad and lacks specificity as to the documents requested, (iii) it imposes an undue burden on Cannata to produce documents that are not identified in reasonable detail, (iv) it seeks the production of documents already in the possession of HPT or equally available to HPT, (v) it seeks the production of documents that are not relevant to any claim or defense at issue in this action, and (vi) it is an interrogatory intentionally disguised as a request for production in order to avoid the limit on interrogatories under Fed. R. Civ. P. 33. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

REQUEST NO. 5:

All hardware programming devices and programming device software in your possession, custody or control.

RESPONSE TO REQUEST NO. 5:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the terms "hardware programming devices and programming device software," (ii) it is overly broad and lacks specificity as to the documents requested, (iii) it imposes an undue burden on Cannata to produce documents or other items that are not identified in reasonable detail, (iv) it seeks the production of documents that are not relevant to any claim or defense at issue in this action, and (v) it is an interrogatory intentionally disguised as a request for production in order to avoid the limit on interrogatories under Fed. R. Civ. P. 33. Cannata

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further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege and to the extent it seeks the production of trade secrets or other confidential or proprietary information.

Cannata cannot respond to this Request in its current form as it is unclear what documents HPT has requested. To the extent that HPT can clarify this Request, Cannata will attempt to respond to this Request in Good Faith.

REQUEST NO. 6:

All hardware design, layout and schematic creation software and license information of HPT, or that was purchased by HPT in your possession, custody or control.

RESPONSE TO REQUEST NO. 6:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the terms “hardware design, layout and schematic creation software and license information of HPT,” (ii) it is overly broad and lacks specificity as to the documents requested, (iii) it imposes an undue burden on Cannata to produce documents that are not identified in reasonable detail, (iv) it seeks the production of documents already in the possession of HPT or equally available to HPT, (v) it seeks the production of documents that are not relevant to any claim or defense at issue in this action, and (vi) it is an interrogatory intentionally disguised as a request for production in order to avoid the limit on interrogatories under Fed. R. Civ. P. 33. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

REQUEST NO. 7:

All phones, laptops or other personal devices (including any storage devices) and any computer hardware, monitors and other peripherals in your possession, custody or control, or which you have used at any time since January 1, 2016.

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RESPONSE TO REQUEST NO. 7:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents or other items that are not identified in reasonable detail, (iii) it seeks the production of documents or other items that are not relevant to any claim or defense at issue in this action, (iv) HPT has made no attempt to reasonably limit or narrow the scope of this Request, (v) it constitutes a gross, unnecessary invasion of Cannata's rights to privacy, (vi) would require the disclosure of trade secrets or other confidential or proprietary information belonging to Cannata, (vii) would require the disclosure of confidential personal information concerning Cannata's financial affairs, his business associates, friends, and family members, including his wife and minor children, and his communications with other third parties that are in no way related to any claim or defense at issue in this action, and (viii) would require the disclosure of confidential and privileged communications between Cannata and his attorneys.

Without waiving any objection Cannata responds as follows: To the extent that the parties are able to reach an agreement to reasonably limit the scope of this Request, Cannata will make certain computers and other electronic storage devices in his possession available for inspection by a third party agreeable to Cannata to determine at HPT's expense whether such devices contain confidential or proprietary information belonging to HPT that Cannata was required to delete or return to HPT pursuant to the Membership Interest Purchase Agreement dated October 20, 2016 as alleged in HPT's Complaint.

REQUEST NO. 8:

All Documents and Communications which evidence, refer or relate to any software, firmware and/or hardware source code, files, programs and/or code created, programmed, written or developed by You from January 1, 2016 to the present.

RESPONSE TO REQUEST NO. 8:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents or other items that are not identified in reasonable detail, (iii) it seeks the production of

documents that are not relevant to any claim or defense at issue in this action, (iv) it seeks the production of trade secrets and other confidential and proprietary information belonging to Cannata, and (v) it is intended only to abuse or harass Cannata. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: Documents responsive to this Request are included within the documents produced herewith by Cannata and bates labeled as CAN000001 – CAN000616.

REQUEST NO. 9:

All Documents and Communications, including but not limited to electronic mail communications, Facebook messages and posts, direct messages or text messages, from January 1, 2016 to the present with:

- (a) Christopher Breton-Jean;
- (b) Kevin Sykes-Bonnett;
- (c) John Martinson;
- (d) Vladimir Kalinovsky; and
- (e) Any person identified by Defendant in Defendant's Initial Rule 26

Disclosures.

RESPONSE TO REQUEST NO. 9:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents or other items that are not identified in reasonable detail, (iii) it seeks the production of documents that are not relevant to any claim or defense at issue in this action, and (iv) it seeks the production of trade secrets and other confidential and proprietary information belonging to Cannata. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, spousal or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the extent that Cannata is in possession of Documents responsive to this Request, such documents are included within

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1 the documents produced herewith by Cannata and bates labeled as CAN000001 – CAN000616.

2 REQUEST NO. 10:

3 All Documents and Communications, including but not limited to electronic mail
4 communications, Facebook messages and posts, direct messages or text messages, from January
5 1, 2016 to the present with:

6 (a) Keith Prociuk; and

7 (b) Chris Piastri.

8 RESPONSE TO REQUEST NO. 10:

9 Cannata objects to this Request on the basis that (i) it seeks the production of documents
10 already in the possession of HPT or equally available to HPT and (ii) it seeks the production of
11 documents that are not relevant to any claim or defense at issue in this action. Cannata further
12 objects to this Request to the extent that it seeks the production of any document protected by
13 attorney-client, work product, or other applicable privilege.

14 Without waiving any objection Cannata responds as follows: To the extent that Cannata
15 is able to locate any documents responsive to this Request, such documents will be produced.

16 REQUEST NO. 11:

17 All Documents and Communications which evidence, refer or relate to the sale of HPT
18 credits or application keys from January 1, 2016 to the present.

19 RESPONSE TO REQUEST NO. 11:

20 Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the
21 documents requested and as to the terms “the sale of HPT credits or application keys,” (ii) it is
22 overly broad and lacks specificity as to the documents requested, and (iii) it imposes an undue
23 burden on Cannata to produce documents that are not identified in reasonable detail. Cannata
24 further objects to this Request to the extent that it seeks the production of any document
25 protected by attorney-client, work product, or other applicable privilege.

26 Without waiving any objection Cannata responds as follows: To the best of his
27 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
28 documents responsive to this Request.

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REQUEST NO. 12:

All Documents and Communications which evidence, refer or relate to generation, creation or distribution of application keys relating to HPT's interfaces since January 1, 2016.

RESPONSE TO REQUEST NO. 12:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the terms "generation, creation or distribution of application keys relating to HPT's interfaces," (ii) it is overly broad and lacks specificity as to the documents requested, (iii) it imposes an undue burden on Cannata to produce documents that are not identified in reasonable detail, and (iv) seeks the production of documents that are already in the possession of HPT or equally available to HPT. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

REQUEST NO. 13:

All Documents and Communications which evidence, refer or relate to the sale of HPT interfaces from January 1, 2016 to the present.

RESPONSE TO REQUEST NO. 13:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the term "sale of HPT interfaces," (ii) it is overly broad and lacks specificity as to the documents requested, (iii) it imposes an undue burden on Cannata to produce documents that are not identified in reasonable detail, and (iv) seeks the production of documents that are already in the possession of HPT or equally available to HPT. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any

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documents responsive to this Request.

REQUEST NO. 14:

All Documents and Communications which evidence, refer or relate to the duplication or cloning of HPT interfaces from January 1, 2016 to the present.

RESPONSE TO REQUEST NO. 14:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the terms “duplication or cloning of HPT interfaces,” (ii) it is overly broad and lacks specificity as to the documents requested, (iii) it imposes an undue burden on Cannata to produce documents that are not identified in reasonable detail, and (iv) seeks the production of documents that are already in the possession of HPT or equally available to HPT. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

REQUEST NO. 15:

All Documents and Communications which evidence, refer or relate to Defendants’ removal of licensing restrictions from HPT’s VCM Suite Software from January 1, 2016 to the present.

RESPONSE TO REQUEST NO. 15:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the terms “Defendants’ removal of licensing restrictions from HPT’s VCM Suite Software,” (ii) it is overly broad and lacks specificity as to the documents requested, and (iii) it imposes an undue burden on Cannata to produce documents that are not identified in reasonable detail. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

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1 Without waiving any objection Cannata responds as follows: To the best of his
2 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
3 documents responsive to this Request.

4 REQUEST NO. 16:

5 All Documents and Communications which evidence, refer or relate to HPT's VCM
6 Suite Software from January 1, 2016 to the present.

7 RESPONSE TO REQUEST NO. 16:

8 Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the
9 documents requested, (ii) it is overly broad and lacks specificity as to the documents requested,
10 and (iii) it imposes an undue burden on Cannata to produce documents that are not identified in
11 reasonable detail. Cannata further objects to this Request to the extent that it seeks the
12 production of any document protected by attorney-client, work product, or other applicable
13 privilege.

14 Without waiving any objection Cannata responds as follows: To the best of his
15 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
16 documents responsive to this Request.

17 REQUEST NO. 17:

18 All Documents and Communications which evidence, refer or relate to the PayPal
19 accounting using the discounthptunercredits@mail.com email address.

20 RESPONSE TO REQUEST NO. 17:

21 Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the
22 documents requested, (ii) it is overly broad, and (iii) it imposes an undue burden on Cannata to
23 produce documents that are not identified in reasonable detail. Cannata further objects to this
24 Request to the extent that it seeks the production of any document protected by attorney-client,
25 work product, or other applicable privilege.

26 Without waiving any objection Cannata responds as follows: To the best of his
27 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
28 documents responsive to this Request.

1 REQUEST NO. 18:

2 All Documents and Communications sent to or received by the
3 discounthptunercredits@mail.com email address.

4 RESPONSE TO REQUEST NO. 18:

5 Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the
6 documents requested, (ii) it is overly broad, and (iii) it imposes an undue burden on Cannata to
7 produce documents that are not identified in reasonable detail. Cannata further objects to this
8 Request to the extent that it seeks the production of any document protected by attorney-client,
9 work product, or other applicable privilege.

10 Without waiving any objection Cannata responds as follows: To the best of his
11 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
12 documents responsive to this Request.

13 REQUEST NO. 19:

14 All Documents and Communications which evidence, refer or relate to decompiling,
15 deconstructing, or otherwise reverse engineering any software owned by or pertaining to HPT.

16 RESPONSE TO REQUEST NO. 19:

17 Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the
18 documents requested and as to the terms “decompiling, deconstructing, or otherwise reverse
19 engineering,” (ii) it is overly broad and lacks specificity as to the documents requested, and (iii)
20 it imposes an undue burden on Cannata to produce documents that are not identified in
21 reasonable detail. Cannata further objects to this Request to the extent that it seeks the
22 production of any document protected by attorney-client, work product, or other applicable
23 privilege.

24 Without waiving any objection Cannata responds as follows: To the best of his
25 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
26 documents responsive to this Request.

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1 REQUEST NO. 20:

2 All Documents and Communications which evidence, refer or relate to Syked ECU
3 Tuning, Inc. tuning software.

4 RESPONSE TO REQUEST NO. 20:

5 Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity
6 as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents
7 or other items that are not identified in reasonable detail, (iii) it seeks the production of
8 documents that are not relevant to any claim or defense at issue in this action, and (iv) it seeks
9 the production of trade secrets and other confidential and proprietary information belonging to
10 Cannata or others. Cannata further objects to this Request to the extent that it seeks the
11 production of any document protected by attorney-client, work product, spousal or other
12 applicable privilege.

13 Without waiving any objection Cannata responds as follows: Documents responsive to
14 this Request are included within the documents produced herewith by Cannata and bates labeled
15 as CAN000001 – CAN000616.

16 REQUEST NO. 21:

17 All Documents and Communications which evidence, refer or relate to the Syked
18 Eliminator Cable.

19 RESPONSE TO REQUEST NO. 21:

20 Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity
21 as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents
22 or other items that are not identified in reasonable detail, (iii) it seeks the production of
23 documents that are not relevant to any claim or defense at issue in this action, and (iv) it seeks
24 the production of trade secrets and other confidential and proprietary information belonging to
25 Cannata or others. Cannata further objects to this Request to the extent that it seeks the
26 production of any document protected by attorney-client, work product, spousal or other
27 applicable privilege.

28 . . .

Without waiving any objection Cannata responds as follows: Documents responsive to this Request are included within the documents produced herewith by Cannata and bates labeled as CAN000001 – CAN000616.

REQUEST NO. 22:

All Documents and Communications which evidence, refer or relate to any hardware device developed for use with Syked ECU Tuning, Inc.’s software.

RESPONSE TO REQUEST NO. 22:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents or other items that are not identified in reasonable detail, (iii) it seeks the production of documents that are not relevant to any claim or defense at issue in this action, and (iv) it seeks the production of trade secrets and other confidential and proprietary information belonging to Cannata or others. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, spousal or other applicable privilege.

Without waiving any objection Cannata responds as follows: Documents responsive to this Request are included within the documents produced herewith by Cannata and bates labeled as CAN000001 – CAN000616.

REQUEST NO. 23:

All hardware schematics of Defendant’s hardware for any device or component developed for use with Syked ECU Tuning Inc.’s software.

RESPONSE TO REQUEST NO. 23:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents or other items that are not identified in reasonable detail, (iii) it seeks the production of documents that are not relevant to any claim or defense at issue in this action, and (iv) it seeks the production of trade secrets and other confidential and proprietary information belonging to Cannata or others. Cannata further objects to this Request to the extent that it seeks the

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1 production of any document protected by attorney-client, work product, spousal or other
2 applicable privilege.

3 Without waiving any objection Cannata responds as follows: Documents responsive to
4 this Request are included within the documents produced herewith by Cannata and bates labeled
5 as CAN000001 – CAN000616.

6 REQUEST NO. 24:

7 All versions of any cable or hardware device developed for use with Syked ECU Tuning,
8 Inc.'s software.

9 RESPONSE TO REQUEST NO. 24:

10 Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity
11 as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents
12 or other items that are not identified in reasonable detail, (iii) it seeks the production of
13 documents that are not relevant to any claim or defense at issue in this action, and (iv) it seeks
14 the production of trade secrets and other confidential and proprietary information belonging to
15 Cannata or others. Cannata further objects to this Request to the extent that it seeks the
16 production of any document protected by attorney-client, work product, or other applicable
17 privilege.

18 Without waiving any objection Cannata responds as follows: To the extent that the
19 parties are able to reach an agreement to reasonably limit the scope of this Request, Cannata will
20 make certain hardware devices in his possession available for inspection by a third party
21 agreeable to Cannata to determine at HPT's expense whether such devices contain or include
22 confidential or proprietary information or technology belonging to HPT.

23 REQUEST NO. 25:

24 All Documents, materials or other documentation used by, referenced or otherwise relied
25 upon by Defendant to develop any hardware device since January 1, 2016.

26 RESPONSE TO REQUEST NO. 25:

27 Cannata objects to this Request on the basis that (i) it is vague as to the terms "used" and
28 "relied upon," (ii) it is overly broad and lacks specificity as to the documents requested, (iii) it

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imposes an undue burden on Cannata to produce documents or other items that are not identified in reasonable detail, (iv) it seeks the production of documents that are not relevant to any claim or defense at issue in this action, and (iv) it seeks the production of trade secrets and other confidential and proprietary information belonging to Cannata. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Cannata cannot respond to this Request in its current form as it is unclear what documents HPT has requested. To the extent that HPT can clarify this Request, Cannata will attempt to respond in Good Faith.

REQUEST NO. 26:

All Documents and Communications which evidence, refer or relate to the sale of any hardware device to any third party since January 1, 2016.

RESPONSE TO REQUEST NO. 26:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents or other items that are not identified in reasonable detail, (iii) it seeks the production of documents that are not relevant to any claim or defense at issue in this action, and (iv) it seeks the production of trade secrets and other confidential and proprietary information belonging to Cannata or others. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Cannata cannot respond to this Request in its current form as it is unclear what documents HPT has requested. To the extent that HPT can clarify this Request, Cannata will attempt to respond in Good Faith.

REQUEST NO. 27:

All shareholders or operating agreements, corporate records, meeting minutes, bylaws, shareholder lists, share purchase and/or sale agreements and resolutions, including any amendments or addenda thereto, of KJC LLC since January 1, 2016.

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1 RESPONSE TO REQUEST NO. 27:

2 Cannata objects to this Request on the basis that (i) it is overly broad, (ii) it imposes an
 3 undue burden on Cannata to produce documents or other items that are not identified in
 4 reasonable detail, (iii) it seeks the production of documents that are not relevant to any claim or
 5 defense at issue in this action, (v) it vague as to the term “KJC LLC,” and (v) it seeks the
 6 production of trade secrets and other confidential and proprietary information belonging to
 7 Cannata or others. Cannata further objects to this Request to the extent that it seeks the
 8 production of any document protected by attorney-client, work product, or other applicable
 9 privilege.

10 Without waiving any objection Cannata responds as follows: To the best of his
 11 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
 12 documents responsive to this Request.

13 REQUEST NO. 28:

14 All records which evidence, refer or relate to any Team Viewer session with Kevin
 15 Sykes-Bonnett since January 2, 2016.

16 RESPONSE TO REQUEST NO. 28:

17 Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity
 18 as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents
 19 or other items that are not identified in reasonable detail, (iii) it seeks the production of
 20 documents that are not relevant to any claim or defense at issue in this action, and (iv) it seeks
 21 the production of trade secrets and other confidential and proprietary information belonging to
 22 Cannata or others. Cannata further objects to this Request to the extent that it seeks the
 23 production of any document protected by attorney-client, work product, or other applicable
 24 privilege.

25 Without waiving any objection Cannata responds as follows: To the best of his
 26 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
 27 documents responsive to this Request.

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REQUEST NO. 29:

All Documents, including electronic files, on any computer or device of any Defendant, which evidences, refers or relates to any folder named "Firmware."

RESPONSE TO REQUEST NO. 29:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents or other items that are not identified in reasonable detail, and (iii) it seeks the production of documents that are not relevant to any claim or defense at issue in this action. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege and to the extent it seeks the production of trade secrets and other confidential and proprietary information.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

REQUEST NO. 30:

All Documents, including electronic files, on any computer or device of any Defendant, which evidences, refers or relates to any folder named "Firmware Hack."

RESPONSE TO REQUEST NO. 30:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents or other items that are not identified in reasonable detail, and (iii) it seeks the production of documents that are not relevant to any claim or defense at issue in this action. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

...

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REQUEST NO. 31:

All Documents, including electronic files, on any computer or device of any Defendant, which evidences, refers or relates to any folder named "HP Tuners Decryptor."

RESPONSE TO REQUEST NO. 31:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents or other items that are not identified in reasonable detail, and (iii) it seeks the production of documents that are not relevant to any claim or defense at issue in this action. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

REQUEST NO. 32:

All Documents, including electronic files, on any computer or device of any Defendant, which evidences, refers or relates to any folder named "HPT Coned Cable."

RESPONSE TO REQUEST NO. 32:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents or other items that are not identified in reasonable detail, and (iii) it seeks the production of documents that are not relevant to any claim or defense at issue in this action. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

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...

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1 REQUEST NO. 33:

2 All Documents, including electronic files, on any computer or device of any Defendant,
 3 which evidences, refers or relates to any folder named "HPT Cracked software."

4 RESPONSE TO REQUEST NO. 33:

5 Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity
 6 as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents
 7 or other items that are not identified in reasonable detail, and (iii) it seeks the production of
 8 documents that are not relevant to any claim or defense at issue in this action. Cannata further
 9 objects to this Request to the extent that it seeks the production of any document protected by
 10 attorney-client, work product, or other applicable privilege.

11 Without waiving any objection Cannata responds as follows: To the best of his
 12 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
 13 documents responsive to this Request.

14 REQUEST NO. 34:

15 All Documents, including electronic files, on any computer or device of any Defendant,
 16 which evidences, refers or relates to any folder named "HPT Resources DB2_26_2017."

17 RESPONSE TO REQUEST NO. 34:

18 Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity
 19 as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents
 20 or other items that are not identified in reasonable detail, and (iii) it seeks the production of
 21 documents that are not relevant to any claim or defense at issue in this action. Cannata further
 22 objects to this Request to the extent that it seeks the production of any document protected by
 23 attorney-client, work product, or other applicable privilege.

24 Without waiving any objection Cannata responds as follows: To the best of his
 25 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
 26 documents responsive to this Request.

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1 REQUEST NO. 35:

2 All Documents, including electronic files, on any computer or device of any Defendant,
 3 which evidences, refers or relates to any folder named "KeyGenWindows."

4 RESPONSE TO REQUEST NO. 35:

5 Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity
 6 as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents
 7 or other items that are not identified in reasonable detail, and (iii) it seeks the production of
 8 documents that are not relevant to any claim or defense at issue in this action. Cannata further
 9 objects to this Request to the extent that it seeks the production of any document protected by
 10 attorney-client, work product, or other applicable privilege.

11 Without waiving any objection Cannata responds as follows: To the best of his
 12 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
 13 documents responsive to this Request.

14 REQUEST NO. 36:

15 All Documents, including electronic files, on any computer or device of any Defendant,
 16 which evidences, refers or relates to any folder named "License."

17 RESPONSE TO REQUEST NO. 36:

18 Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity
 19 as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents
 20 or other items that are not identified in reasonable detail, and (iii) it seeks the production of
 21 documents that are not relevant to any claim or defense at issue in this action. Cannata further
 22 objects to this Request to the extent that it seeks the production of any document protected by
 23 attorney-client, work product, or other applicable privilege.

24 Without waiving any objection Cannata responds as follows: To the best of his
 25 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
 26 documents responsive to this Request.

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REQUEST NO. 37:

All Documents, including electronic files, on any computer or device of any Defendant, which evidences, refers or relates to any folder named “:Lic Transfer.”

RESPONSE TO REQUEST NO. 37:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents or other items that are not identified in reasonable detail, and (iii) it seeks the production of documents that are not relevant to any claim or defense at issue in this action. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

REQUEST NO. 38:

All Documents, including electronic files, on any computer or device of any Defendant, which evidences, refers or relates to any folder named “VCM.”

RESPONSE TO REQUEST NO. 38:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to produce documents or other items that are not identified in reasonable detail, and (iii) it seeks the production of documents that are not relevant to any claim or defense at issue in this action. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

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REQUEST NO. 39:

All Documents and communications which evidence, refer or related to MPVI.

RESPONSE TO REQUEST NO. 39:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the term “MPVI,” (ii) it is overly broad and lacks specificity as to the documents requested, (iii) it imposes an undue burden on Cannata to search through voluminous records in search of documents that are not identified in reasonable detail, (iv) it seeks the production of documents already in the possession of HPT or equally available to HPT, and (v) it seeks the production of documents that are not relevant to any claim or defense at issue in this action. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

REQUEST NO. 40:

All Documents and Communications which evidence, refer or relate to any Key Generation Tool.

RESPONSE TO REQUEST NO. 40:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the term “Key Generation Tool,” (ii) it is overly broad and lacks specificity as to the documents requested, (iii) it imposes an undue burden on Cannata to search through voluminous records in search of documents that are not identified in reasonable detail, (iv) it seeks the production of documents already in the possession of HPT or equally available to HPT, and (v) it seeks the production of documents that are not relevant to any claim or defense at issue in this action. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

...

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Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

REQUEST NO. 41:

All Documents and Communications which evidence, refer or relate to HPT's PCM Tools Software.

RESPONSE TO REQUEST NO. 41:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the term "HPT's PCM Tools Software," (ii) it is overly broad and lacks specificity as to the documents requested, (iii) it imposes an undue burden on Cannata to search for documents that are not identified in reasonable detail, (iv) it seeks the production of documents already in the possession of HPT or equally available to HPT, and (v) it seeks the production of documents that are not relevant to any claim or defense at issue in this action. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

Without waiving any objection Cannata responds as follows: To the best of his knowledge, information, and belief, Cannata is not in possession, custody, or control of any documents responsive to this Request.

REQUEST NO. 42:

All Documents and Communications which evidence, refer or relate to HPT's PCM Harness.

RESPONSE TO REQUEST NO. 42:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the term "HPT's PCM Harness," (ii) it is overly broad and lacks specificity as to the documents requested, (iii) it imposes an undue burden on Cannata to search for documents that are not identified in reasonable detail, (iv) it seeks the production of documents already in the possession of HPT or equally available to HPT, and (v) it seeks the production of documents that are not relevant or material to any claim or defense at issue in this

1 action. Cannata further objects to this Request to the extent that it seeks the production of any
2 document protected by attorney-client, work product, or other applicable privilege.

3 Without waiving any objection Cannata responds as follows: To the best of his
4 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
5 documents responsive to this Request.

6 REQUEST NO. 43:

7 All Documents which evidence, refer or relate to payments made, compensation paid or
8 remuneration provided to KJC LLC since January 1, 2016.

9 RESPONSE TO REQUEST NO. 43:

10 Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the
11 documents requested and as to the term “KJC LLC,” (ii) it is overly broad, (iii) it imposes an
12 undue burden on Cannata to search for documents that are not identified in reasonable detail, (iv)
13 it seeks the production of documents that are not relevant or material to any claim or defense at
14 issue in this action, (v) it is intended only to harass Cannata, (vi) it seeks the production of
15 proprietary and confidential personal financial records that are protected against disclosure under
16 applicable law and are outside the scope of permissible discovery under Fed. R. Civ. P. 26, and
17 (vii) HPT has made no effort to reasonably narrow or limit the scope of this Request. “[D]ue to
18 privacy concerns and the potential for ‘abuse and harassment,’ a defendant’s personal financial
19 information can ‘not be had for the mere asking.’” *Momot v. Mastro*, 2011 WL 1833349 (D.
20 Nev. May 13, 2011) (citing *Hetter v. Eighth Judicial Dist. Court of State In and For County of*
21 *Clark*, 110 Nev. 513, 519, 874 P.2d 762, 766 (Nev. 1994). Cannata further objects to this
22 Request to the extent that it seeks the production of any document protected by attorney-client,
23 work product, or other applicable privilege.

24 Without waiving any objection Cannata responds as follows: To the best of his
25 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
26 documents responsive to this Request.

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REQUEST NO. 44:

All Documents which evidence, refer or relate to payments made, compensation paid or remuneration provided to Defendant by any third party since January 1, 2016.

RESPONSE TO REQUEST NO. 44:

Cannata objects to this Request on the basis that (i) it is overly broad, (ii) it seeks the production of documents that are not relevant or material to any claim or defense at issue in this action, (iii) it is intended only to harass Cannata, (iv) HPT has made no effort to reasonably limit or narrow the scope of this Request, (v) it seeks the production of proprietary and confidential personal financial records that are protected against disclosure under applicable law and are outside the scope of permissible discovery under Fed. R. Civ. P. 26, and (vi) HPT has made no effort to reasonably narrow or limit the scope of this Request. “[D]ue to privacy concerns and the potential for ‘abuse and harassment,’ a defendant’s personal financial information can ‘not be had for the mere asking.’” *Momot v. Mastro*, 2011 WL 1833349 (D. Nev. May 13, 2011) (citing *Hetter v. Eighth Judicial Dist. Court of State In and For County of Clark*, 110 Nev. 513, 519, 874 P.2d 762, 766 (Nev. 1994)). Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

REQUEST NO. 45:

All Documents which evidence, refer or relate to payments made, compensation paid or remuneration provided to Defendant for any services provided to Syked ECU Tuning, Inc. since January 1 2016.

RESPONSE TO REQUEST NO. 45:

Cannata objects to this Request on the basis that (i) it is overly broad, (ii) it seeks the production of documents that are not relevant or material to any claim or defense at issue in this action, (iii) it is intended only to harass Cannata, (iv) HPT has made no effort to reasonably limit or narrow the scope of this Request, and (v) it seeks the production of proprietary and confidential personal financial records that are protected against disclosure under applicable law and are outside the scope of permissible discovery under Fed. R. Civ. P. 26. “[D]ue to privacy

1 concerns and the potential for ‘abuse and harassment,’ a defendant’s personal financial
 2 information can ‘not be had for the mere asking.’” *Momot v. Mastro*, 2011 WL 1833349 (D.
 3 Nev. May 13, 2011) (citing *Hetter v. Eighth Judicial Dist. Court of State In and For County of*
 4 *Clark*, 110 Nev. 513, 519, 874 P.2d 762, 766 (Nev. 1994). Cannata further objects to this
 5 Request to the extent that it seeks the production of any document protected by attorney-client,
 6 work product, or other applicable privilege.

7 Without waiving any objection Cannata responds as follows: To the best of his
 8 knowledge, information, and belief, Cannata is not in possession, custody, or control of any
 9 documents responsive to this Request.

10 REQUEST NO. 46:

11 All bank statements, transaction detail reports and records from any checking, savings,
 12 investment or other accounts at any financial institution for the period January 1, 2016 to the
 13 present for any and all bank accounts maintained by Defendant.

14 RESPONSE TO REQUEST NO. 46:

15 Cannata objects to this Request on the basis that (i) it is overly broad, (ii) it seeks the
 16 production of documents that are not relevant or material to any claim or defense at issue in this
 17 action, (iii) it is intended only to harass Cannata, (iv) HPT has made no effort to reasonably limit
 18 or narrow the scope of this Request, and (v) it seeks the production of proprietary and
 19 confidential personal financial records that are protected against disclosure under applicable law
 20 and are outside the scope of permissible discovery under Fed. R. Civ. P. 26. “[D]ue to privacy
 21 concerns and the potential for ‘abuse and harassment,’ a defendant’s personal financial
 22 information can ‘not be had for the mere asking.’” *Momot v. Mastro*, 2011 WL 1833349 (D.
 23 Nev. May 13, 2011) (citing *Hetter v. Eighth Judicial Dist. Court of State In and For County of*
 24 *Clark*, 110 Nev. 513, 519, 874 P.2d 762, 766 (Nev. 1994). Cannata further objects to this
 25 Request to the extent that it seeks the production of any document protected by attorney-client,
 26 work product, or other applicable privilege.

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REQUEST NO. 47:

All bank statements, transaction detail reports and records from any checking, savings, investment or other accounts at any financial institution for the period January 1, 2016 to the present for any and all bank accounts maintained by KJC LLC.

RESPONSE TO REQUEST NO. 47:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the term “KJC LLC,” (ii) it is overly broad, (iii) it imposes an undue burden on Cannata to search for documents that are not identified in reasonable detail, (iv) it seeks the production of documents that are not relevant or material to any claim or defense at issue in this action, (v) it is intended only to harass Cannata, (vi) it seeks the production of proprietary and confidential personal financial records that are protected against disclosure under applicable law and are outside the scope of permissible discovery under Fed. R. Civ. P. 26, and (vii) HPT has made no effort to reasonably narrow or limit the scope of this Request. “[D]ue to privacy concerns and the potential for ‘abuse and harassment,’ a defendant’s personal financial information can ‘not be had for the mere asking.’” *Momot v. Mastro*, 2011 WL 1833349 (D. Nev. May 13, 2011) (citing *Hetter v. Eighth Judicial Dist. Court*, 110 Nev. 513, 519, 874 P.2d 762, 766 (Nev. 1994)). Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

REQUEST NO. 48:

All monthly statements, bills, call logs and call history reports for any telephone number used by Defendant from January 1, 2016 to the present.

RESPONSE TO REQUEST NO. 48:

Cannata objects to this Request on the basis that (i) it is overly broad (ii) it seeks the production of documents that are not relevant or material to any claim or defense at issue in this action, (iii) is intended only to harass Cannata, (iv) it seeks the production of proprietary and confidential personal records that are protected against disclosure under applicable law and are outside the scope of permissible discovery under Fed. R. Civ. P. 26, (v) HPT has made no effort

1 to reasonably narrow or limit the scope of this request, and (vi) it constitutes a gross invasion of
 2 Cannata's rights to privacy and would require disclosure of information concerning his personal
 3 affairs as well as information concerning his associates, friends, and family members, including
 4 his wife and minor children. Cannata further objects to this Request to the extent that it seeks the
 5 production of any document protected by attorney-client, work product, or other applicable
 6 privilege.

7 REQUEST NO. 49:

8 All federal and state tax returns, including all schedules thereto, for the years 2015, 2016,
 9 2017 and 2018 of Defendant.

10 RESPONSE TO REQUEST NO. 49:

11 Cannata objects to this Request on the basis that (i) it is overly broad (ii) it seeks the
 12 production of documents that are not relevant or material to any claim or defense at issue in this
 13 action, (iii) is intended only to harass Cannata, (iv) it seeks the production of proprietary and
 14 confidential personal financial records that are protected against disclosure under applicable law
 15 and are outside the scope of permissible discovery under Fed. R. Civ. P. 26, and (v) HPT has
 16 made no effort to reasonably limit the scope of this Request. "[D]ue to privacy concerns and the
 17 potential for 'abuse and harassment,' a defendant's personal financial information can 'not be
 18 had for the mere asking.'" *Momot v. Mastro*, 2011 WL 1833349 (D. Nev. May 13, 2011) (citing
 19 *Hetter v. Eighth Judicial Dist. Court of State In and For County of Clark*, 110 Nev. 513, 519,
 20 874 P.2d 762, 766 (Nev. 1994). Furthermore, while tax records are not absolutely privileged, *see*
 21 *Heathman v. District Court*, 503 F.2d 1032, 1035 (9th Cir.1974), the Ninth Circuit recognizes
 22 that "a public policy against unnecessary public disclosure [of tax returns] arises from the need,
 23 if the tax laws are to function properly, to encourage taxpayers to file complete and accurate
 24 returns." *Premium Serv. Corp. v. Sperry & Hutchinson Co.*, 511 F.2d 225, 229 (9th Cir.1975); *see*
 25 *also Heathman*, 503 F.2d at 1035; *Aliotti v. Vessel Sonora*, 217 F.R.D. 496, 497 (N.D.Cal.2003).
 26 A court may only order the production of tax returns if they are relevant and when there is a
 27 compelling need for them because the information sought is not otherwise available. *Hilt v.*
 28 *SFC, Inc.*, 170 F.R.D. 182, 189 (D. Kan. 1997); *Gattegno v. Pricewaterhousecoopers, LLP*, 205

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1 F.R.D. 70, 71-72 (D. Conn. 2001); *Terwillger v. York Int'l Corp.*, 176 F.R.D. 214, 216-17
 2 (W.D.Va.1997). Cannata further objects to this Request to the extent that it seeks the production
 3 of any document protected by attorney-client, work product, or other applicable privilege.

4 REQUEST NO. 50:

5 All federal and state tax returns, including all schedules thereto, for the years 2015, 2016,
 6 2017 and 2018 of KJC LLC.

7 RESPONSE TO REQUEST NO. 50:

8 Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the
 9 documents requested and as to the term “KJC LLC,” (ii) it is overly broad, (iii) it imposes an
 10 undue burden on Cannata to search for documents that are not identified in reasonable detail, (iv)
 11 it seeks the production of documents that are not relevant or material to any claim or defense at
 12 issue in this action, (v) it is intended only to harass Cannata, (vi) it seeks the production of
 13 proprietary and confidential personal financial records that are protected against disclosure under
 14 applicable law and are outside the scope of permissible discovery under Fed. R. Civ. P. 26, and
 15 (vii) HPT has made no effort to reasonably narrow or limit the scope of this Request. “[D]ue to
 16 privacy concerns and the potential for ‘abuse and harassment,’ a defendant’s personal financial
 17 information can ‘not be had for the mere asking.’” *Momot v. Mastro*, 2011 WL 1833349 (D.
 18 Nev. May 13, 2011) (citing *Hetter v. Eighth Judicial Dist. Court of State In and For County of*
 19 *Clark*, 110 Nev. 513, 519, 874 P.2d 762, 766 (Nev. 1994). Furthermore, while tax records are
 20 not absolutely privileged, *see Heathman v. District Court*, 503 F.2d 1032, 1035 (9th Cir.1974),
 21 the Ninth Circuit recognizes that “a public policy against unnecessary public disclosure [of tax
 22 returns] arises from the need, if the tax laws are to function properly, to encourage taxpayers to
 23 file complete and accurate returns.” *Premium Serv. Corp. v. Sperry & Hutchinson Co.*, 511 F.2d
 24 225, 229 (9th Cir.175); *see also Heathman*, 503 F.2d at 1035; *Aliotti v. Vessel Sonora*, 217
 25 F.R.D. 496, 497 (N.D.Cal.2003). A court may only order the production of tax returns if they are
 26 relevant and when there is a compelling need for them because the information sought is not
 27 otherwise available. *Hilt v. SFC, Inc.*, 170 F.R.D. 182, 189 (D. Kan. 1997); *Gattegno v.*
 28 *Pricewaterhousecoopers, LLP*, 205 F.R.D. 70, 71-72 (D. Conn. 2001); *Terwillger v. York Int'l*

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Corp., 176 F.R.D. 214, 216-17 (W.D.Va.1997). Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

REQUEST NO. 51:

All W-2s and W-9s issued to third parties by Defendant for the years 2015, 2016, 2017 and 2018.

RESPONSE TO REQUEST NO. 51:

Cannata objects to this Request on the basis that (i) it is overly broad (ii) it seeks the production of documents that are not relevant or material to any claim or defense at issue in this action, (iii) is intended only to harass Cannata, and (iv) it seeks the production of proprietary and confidential personal financial records that are protected against disclosure under applicable law and are outside the scope of permissible discovery under Fed. R. Civ. P. 26. “[D]ue to privacy concerns and the potential for ‘abuse and harassment,’ a defendant’s personal financial information can ‘not be had for the mere asking.’” *Momot v. Mastro*, 2011 WL 1833349 (D. Nev. May 13, 2011) (citing *Hetter v. Eighth Judicial Dist. Court of State In and For County of Clark*, 110 Nev. 513, 519, 874 P.2d 762, 766 (Nev. 1994). Furthermore, while tax records are not absolutely privileged, *see Heathman v. District Court*, 503 F.2d 1032, 1035 (9th Cir.1974), the Ninth Circuit recognizes that “a public policy against unnecessary public disclosure [of tax returns] arises from the need, if the tax laws are to function properly, to encourage taxpayers to file complete and accurate returns.” *Premium Serv. Corp. v. Sperry & Hutchinson Co.*, 511 F.2d 225, 229 (9th Cir.175); *see also Heathman*, 503 F.2d at 1035; *Aliotti v. Vessel Sonora*, 217 F.R.D. 496, 497 (N.D.Cal.2003). A court may only order the production of tax returns if they are relevant and when there is a compelling need for them because the information sought is not otherwise available. *Hilt v. SFC, Inc.*, 170 F.R.D. 182, 189 (D. Kan. 1997); *Gattegno v. Pricewaterhousecoopers, LLP*, 205 F.R.D. 70, 71-72 (D. Conn. 2001); *Terwillger v. York Int'l Corp.*, 176 F.R.D. 214, 216-17 (W.D.Va.1997). Cannata further objects to this Request to the

1 extent that it seeks the production of any document protected by attorney-client, work product, or
 2 other applicable privilege.

3 REQUEST NO. 52:

4 All W-2s and W-9s issued to third parties by KJC LLC for the years 2015, 2016, 2017
 5 and 2018.

6 RESPONSE TO REQUEST NO. 52:

7 Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the
 8 documents requested and as to the term “KJC LLC,” (ii) it is overly broad, (iii) it imposes an
 9 undue burden on Cannata to search for documents that are not identified in reasonable detail, (iv)
 10 it seeks the production of documents that are not relevant or material to any claim or defense at
 11 issue in this action, (v) it is intended only to harass Cannata, (vi) it seeks the production of
 12 proprietary and confidential personal financial records that are protected against disclosure under
 13 applicable law and are outside the scope of permissible discovery under Fed. R. Civ. P. 26, and
 14 (vii) HPT has made no effort to reasonably narrow or limit the scope of this Request. “[D]ue to
 15 privacy concerns and the potential for ‘abuse and harassment,’ a defendant’s personal financial
 16 information can ‘not be had for the mere asking.’” *Momot v. Mastro*, 2011 WL 1833349 (D.
 17 Nev. May 13, 2011) (citing *Hetter v. Eighth Judicial Dist. Court of State In and For County of*
 18 *Clark*, 110 Nev. 513, 519, 874 P.2d 762, 766 (Nev. 1994). Furthermore, while tax records are
 19 not absolutely privileged, *see Heathman v. District Court*, 503 F.2d 1032, 1035 (9th Cir.1974),
 20 the Ninth Circuit recognizes that “a public policy against unnecessary public disclosure [of tax
 21 returns] arises from the need, if the tax laws are to function properly, to encourage taxpayers to
 22 file complete and accurate returns.” *Premium Serv. Corp. v. Sperry & Hutchinson Co.*, 511 F.2d
 23 225, 229 (9th Cir.175); *see also Heathman*, 503 F.2d at 1035; *Aliotti v. Vessel Sonora*, 217
 24 F.R.D. 496, 497 (N.D.Cal.2003). A court may only order the production of tax returns if they are
 25 relevant and when there is a compelling need for them because the information sought is not
 26 otherwise available. *Hilt v. SFC, Inc.*, 170 F.R.D. 182, 189 (D. Kan. 1997); *Gattegno v.*
 27 *Pricewaterhousecoopers, LLP*, 205 F.R.D. 70, 71-72 (D. Conn. 2001); *Terwillger v. York Int'l*
 28 *Corp.*, 176 F.R.D. 214, 216-17 (W.D.Va.1997). Cannata further objects to this Request to the

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extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

REQUEST NO. 53:

All W-2s and W-9s issued to Defendant by any third party for the years 2015, 2016, 2017 and 2018.

RESPONSE TO REQUEST NO. 53:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to search through voluminous records in search of documents that are not identified in reasonable detail, (iii) it seeks the production of documents that are not relevant or material to any claim or defense at issue in this action, and (iv) it seeks the production of proprietary and confidential personal financial records that are protected against disclosure under applicable law and are outside the scope of permissible discovery under Fed. R. Civ. P. 26. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

REQUEST NO. 54:

All W-2s and W-9s issued to KJC LLC by any third party for the years 2015, 2016, 2017 and 2018.

RESPONSE TO REQUEST NO. 54:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the term "KJC LLC," (ii) it is overly broad, (iii) it imposes an undue burden on Cannata to search for documents that are not identified in reasonable detail, (iv) it seeks the production of documents that are not relevant or material to any claim or defense at issue in this action, (v) it is intended only to harass Cannata, (vi) it seeks the production of proprietary and confidential personal financial records that are protected against disclosure under applicable law and are outside the scope of permissible discovery under Fed. R. Civ. P. 26, and

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(vii) HPT has made no effort to reasonably narrow or limit the scope of this Request. “[D]ue to privacy concerns and the potential for ‘abuse and harassment,’ a defendant’s personal financial information can ‘not be had for the mere asking.’” *Momot v. Mastro*, 2011 WL 1833349 (D. Nev. May 13, 2011) (citing *Hetter v. Eighth Judicial Dist. Court of State In and For County of Clark*, 110 Nev. 513, 519, 874 P.2d 762, 766 (Nev. 1994)). Furthermore, while tax records are not absolutely privileged, *see Heathman v. District Court*, 503 F.2d 1032, 1035 (9th Cir.1974), the Ninth Circuit recognizes that “a public policy against unnecessary public disclosure [of tax returns] arises from the need, if the tax laws are to function properly, to encourage taxpayers to file complete and accurate returns.” *Premium Serv. Corp. v. Sperry & Hutchinson Co.*, 511 F.2d 225, 229 (9th Cir.175); *see also Heathman*, 503 F.2d at 1035; *Aliotti v. Vessel Sonora*, 217 F.R.D. 496, 497 (N.D.Cal.2003). A court may only order the production of tax returns if they are relevant and when there is a compelling need for them because the information sought is not otherwise available. *Hilt v. SFC, Inc.*, 170 F.R.D. 182, 189 (D. Kan. 1997); *Gattegno v. Pricewaterhousecoopers, LLP*, 205 F.R.D. 70, 71-72 (D. Conn. 2001); *Terwillger v. York Int'l Corp.*, 176 F.R.D. 214, 216-17 (W.D.Va.1997). Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

REQUEST NO. 55:

All balance sheets, profit and loss statements, financial statements and statements of cash flows of KJC LLC from January 1, 2016 to the present.

RESPONSE TO REQUEST NO. 55:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the term “KJC LLC,” (ii) it is overly broad, (iii) it imposes an undue burden on Cannata to search for documents that are not identified in reasonable detail, (iv) it seeks the production of documents that are not relevant or material to any claim or defense at issue in this action, (v) it is intended only to harass Cannata, (vi) it seeks the production of proprietary and confidential personal financial records that are protected against disclosure under applicable law and are outside the scope of permissible discovery under Fed. R. Civ. P. 26, and

(vii) HPT has made no effort to reasonably narrow or limit the scope of this Request. “[D]ue to privacy concerns and the potential for ‘abuse and harassment,’ a defendant’s personal financial information can ‘not be had for the mere asking.’” *Momot v. Mastro*, 2011 WL 1833349 (D. Nev. May 13, 2011) (citing *Hetter v. Eighth Judicial Dist. Court of State In and For County of Clark*, 110 Nev. 513, 519, 874 P.2d 762, 766 (Nev. 1994)). Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

REQUEST NO. 56:

All customer invoices, purchase orders, billing statements or other documents which evidence, refer or relate to any software, hardware, credits, products, services or goods sold or provided by Defendant from January 1, 2016 to the present.

RESPONSE TO REQUEST NO. 56:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to search for documents that are not identified in reasonable detail, (iii) it seeks the production of documents that are not relevant or material to any claim or defense at issue in this action, (iv) it is intended only to harass Cannata, and (v) it seeks the production of proprietary and confidential personal financial records that are protected against disclosure under applicable law and are outside the scope of permissible discovery under Fed. R. Civ. P. 26. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

REQUEST NO. 57:

All customer invoices, purchase orders, billing statements or other documents which evidence, refer or relate to any software, hardware, credits, products, services or goods sold or provided by KJC LLC from January 1, 2016 to the present.

RESPONSE TO REQUEST NO. 57:

Cannata objects to this Request on the basis that (i) it is impermissibly vague as to the documents requested and as to the term “KJC LLC,” (ii) it is overly broad, (iii) it imposes an

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undue burden on Cannata to search for documents that are not identified in reasonable detail, (iv) it seeks the production of documents that are not relevant or material to any claim or defense at issue in this action, (v) it is intended only to harass Cannata, (vi) it seeks the production of proprietary and confidential personal financial records that are protected against disclosure under applicable law and are outside the scope of permissible discovery under Fed. R. Civ. P. 26, and (vii) HPT has made no effort to reasonably narrow or limit the scope of this Request. “[D]ue to privacy concerns and the potential for ‘abuse and harassment,’ a defendant’s personal financial information can ‘not be had for the mere asking.’” *Momot v. Mastro*, 2011 WL 1833349 (D. Nev. May 13, 2011) (citing *Hetter v. Eighth Judicial Dist. Court of State In and For County of Clark*, 110 Nev. 513, 519, 874 P.2d 762, 766 (Nev. 1994)). Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

REQUEST NO. 58:

All statements, transaction history records and account registers of or relating to any PayPal account used by Defendant since January 1, 2016, including transaction records, transaction details, documents reflecting payments received or payments made, statements and/or reports.

RESPONSE TO REQUEST NO. 58:

Cannata objects to this Request on the basis that (i) it is overly broad and lacks specificity as to the documents requested, (ii) it imposes an undue burden on Cannata to search through voluminous records in search of documents that are not identified in reasonable detail, (iii) it seeks the production of documents that are not relevant or material to any claim or defense at issue in this action, (iv) it seeks the production of proprietary and confidential personal financial records that are protected against disclosure under applicable law and are outside the scope of permissible discovery under Fed. R. Civ. P. 26, and (v) HPT has made no effort to reasonably narrow or limit the scope of this Request. Cannata further objects to this Request to the extent that it seeks the production of any document protected by attorney-client, work product, or other applicable privilege.

1 REQUEST NO. 59:

2 All documents from any internet service provider of Defendant reflecting each IP address
3 of or for the residence of Defendant at all times since January 1, 2016.

4 RESPONSE TO REQUEST NO. 59:

5 Cannata objects to this Request on the basis that (i) it is overly broad (ii) it seeks the
6 production of documents that are not relevant or material to any claim or defense at issue in this
7 action, (iii) is intended only to harass Cannata, (iv) it seeks the production of proprietary and
8 confidential personal records that are protected against disclosure under applicable law and are
9 outside the scope of permissible discovery under Fed. R. Civ. P. 26, (v) HPT has made no effort
10 to reasonably narrow or limit the scope of this request, and (vi) it constitutes a gross invasion of
11 Cannata's rights to privacy and would require disclosure of confidential information concerning
12 his personal affairs as well as confidential information concerning his associations, friends, and
13 family members, including his wife and minor children. Cannata further objects to this Request
14 to the extent that it seeks the production of any document protected by attorney-client, work
15 product, or other applicable privilege.

16 DATED this 14th day of June, 2019.

17 KOLESAR & LEATHAM

18
19 By Bart K. Larsen, Esq.

BART K. LARSEN, ESQ.

Nevada Bar No. 8538

400 South Rampart Boulevard, Suite 400

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22 *Attorneys for Defendant*

KENNETH CANNATA

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Kolesar & Leatham and that on the 14th day of June, 2019, I caused to be served a true and correct copy of foregoing DEFENDANT'S RESPONSE TO PLAINTIFF HP TUNERS, LLC'S FIRST SET OF REQUESTS FOR PRODUCTION in the following manner:

(ELECTRONIC SERVICE) The above-referenced document was electronically mailed on the date hereof to the following parties:

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/s/ Mary A. Barnes

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